

S/N 10/053,514  
SUPPLEMENTAL AMENDMENT

ATTY DOCKET NO. 0212-0001

**REMARKS**

This Supplemental Amendment is further to the Amendment filed by facsimile on July 2, 2003, responding to the office action mailed May 27, 2003 for the above-identified patent application, directed to an agricultural combine cooling package.

This Supplemental Amendment should be entered under 37 CFR 1.111, MPEP 714.03(a)(II), because it will not unduly interfere with preparation of an office action or advisory action and it places the application in better form for consideration on appeal, see MPEP 714.12.

On behalf of Applicants, the undersigned agent thanks the Examiner for courtesies extended during the telephone interview of August 12, 2003.

Claims 1 has been amended to add the limitation that the radiator face is aligned with the charge air cooler face and to clarify that the radiator face, the charge air cooler face and the subassembly face are all directed into the direction of air flow and that there are no leak paths between the radiator and the charge air cooler. Support for the amendment can be found in the specification on p. 4, l. 28-30, p. 5, l. 22-23 and 25-28 and in FIGS. 1, 2 and 4.

Amended claim 1 is patentable over Ghiani (U.S. Patent 4,997,033), Williams (U.S. Patent 4,736,727), Hedeem (U.S. Patent 5,316,079), and Lakerdas (U.S. Patent 5,660,149) because, *inter alia*, none of the references, alone or in any proper combination, teach or suggest a subassembly for an agricultural combine having a radiator with a face directed into the direction of air flow, a charge air cooler with a face directed into the direction of air flow, the charge air cooler being connected to the radiator to form a subassembly face comprising the radiator face and the charge air cooler face and to form a seal between the radiator and the charge air cooler, wherein the subassembly face is directed into the direction of air flow, wherein the radiator face is aligned with the charge air cooler face, and wherein there are no leak paths between the radiator and the charge air cooler.

Claim 2 depends from amended claim 1, and is therefore patentable for at least the same reasons as amended claim 1. Further, none of the references teach bolting between extended lips of a radiator and a charge air cooler, as required by claim 2.

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Claim 3 has been amended to make it clear that the seal is formed between the flange and the subassembly face, that there are no leak paths formed around the perimeter of the subassembly face, and that the radiator face, the charge air cooler face and the subassembly face are all directed into the direction of air flow. Support for the amendment can be found in the specification on p. 3, l. 18, p. 4, l. 28-30, p. 8, l. 4-5, and in FIGS. 1-4.

Amended claim 3 is patentable over Ghiani, Williams, Hedeem and Lakerdas because, *inter alia*, none of the references, alone or in any proper combination, teach or suggest a cooling package for use in an agricultural combine having a frame defining an opening, with a flange extending inwardly into the opening, a radiator with a face directed into the direction of air flow, a charge air cooler with a face directed into the direction of air flow, wherein the radiator is connected to the charge air cooler in order to form a subassembly having a subassembly face with a perimeter directed into the direction of air flow, the subassembly face comprising the radiator face and the charge air cooler face, wherein the subassembly is mounted in the frame with a seal between the subassembly face and the flange, and wherein there are no leak paths around the perimeter of the subassembly face, as required by claim 3.

Claim 4 depends from claim 3, and is therefore patentable for at least the same reasons as claim 3. Further, the references do not teach or suggest a radiator and a charge air cooler each having sides with extending lips, wherein the lips are bolted together, as required in claim 4.

Claim 5 depends from claim 3, and is therefore patentable for at least the same reasons as claim 3. Further, the references do not teach or suggest a foam seal between the subassembly face and the flange, as required by amended claim 5.

Claim 6 has been amended to clarify that the sealing step includes sealing the subassembly face against the flange so that there are no leak paths around the perimeter of the subassembly face and that the radiator face, the charge air cooler face, and the subassembly face are directed into the direction of air flow. Support for the amendment can be found in the specification on p. 3, l. 18, p. 4, l. 28-30, p. 8, l. 4-5, and in FIGS. 1-4.

Amended claim 6 is patentable over Ghiani, Williams, Hedeem, and Lakerdas because, *inter alia*, none of the references, alone or in any proper combination, teach or

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suggest attaching a flange to an inner surface wall of a frame, the flange extending inwardly into an opening in the frame, connecting a radiator with a face directed into the direction of air flow and a separate charge air cooler with a face directed into the direction of air flow together to form a subassembly having a subassembly face with a perimeter directed into the direction of air flow, the subassembly face comprising the radiator face and the charge air cooler face, mounting the subassembly in the frame, and sealing the subassembly face against the flange so that there are no leak paths around the perimeter of the subassembly face, as required in amended claim 6.

Claim 7 depends from claim 6, and is therefore patentable for at least the same reasons as claim 6. Further, none of the references teach releasably connecting a radiator and charge air cooler with nuts and bolts, as required by claim 7.

Claim 8 depends from claim 6, and is therefore patentable for at least the same reason as claim 6. Further, none of the references teach or suggest attaching strips of foam to the flange in order to ensure a positive seal between the subassembly face and the flange, as required by claim 8.

Claims 9 and 10 depend from claim 1, claims 11 and 12 depend from claim 3, and claim 13 depends from claim 6. Therefore, claims 9-13 are patentable for at least the same reasons as stated above for amended claims 1, 3 and 6. Further, none of Ghiani, Williams, Hedeem, and Lakerdas, alone or in any proper combination, teach or suggest a subassembly formed by connecting a radiator to a charge air cooler, side-by-side, with a seal between the side of the radiator and the side of the charge air cooler, as required in claims 9, 11 and 13, a subassembly with a radiator and charge air cooler connected to each other with a metal to metal seal between the radiator and the charge air cooler, as required in claim 10, or a metal to metal seal between the subassembly face and the flange, as required by claim 12.

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If the Examiner believes it would help to advance the prosecution, the undersigned agent would welcome the opportunity to discuss the application in a further telephone interview and can be reached at (312) 201-0011.

For the foregoing reasons, Applicants respectfully request reconsideration and allowance of all claims as amended.

Respectfully submitted,

Dated this 15th day of August, 2003.

  
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